

Zoning Board of Appeals

February 5, 2015

Conference Room A, 3rd Floor, Town Office, 36 Bartlet St., Andover

The meeting opened at 6:30 p.m.

Present were: Brown (Chair); Bargnesi (Acting Clerk); Oltman (Member); Bordonaro & Wilson (Associate Members).
Rechisky arrived at 6:39 pm.

Chair Brown explained that due to a scheduling conflict for the Conference Room A, it is necessary to hold the meeting across the hall in Conference Room B, for which a separate meeting notice was posted.

Wilson made a motion to adjourn the meeting & to immediately reconvene across the hall in Conference Room B.

Oltman seconded the motion & the Board voted (5-0) to adjourn the meeting & reconvene across the hall.

Conference Room B, 3rd Floor, Town Office, 36 Bartlet St., Andover. The meeting opened at 6:31 p.m.

Present were: Brown (Chair); Bargnesi (Acting Clerk); Oltman (Member); Bordonaro & Wilson (Associate Members).
Rechisky arrived at 6:39 pm.

Petition No.: Z-14-185

Premises affected: 191 Holt Road

Petitioner: Black Hawk Development

Relief requested: special permit 3.3.5 &/or 3.3.7 &/or a variance 4.1.2 to raze & build a single family dwelling on a lot with insufficient area & frontage

Present were: Brown (Chair); Magenheim (Clerk); Bargnesi (Member); Bordonaro (for Boness) & Wilson (Associate Member).

A request to continue the public hearing to the 3/5/15 meeting was received from the petitioner's representative.

Brown made a motion to continue the public hearing to 3/5/15. Wilson seconded the motion & the Board voted (5-0) to continue the hearing to 3/5/15.

Approval of Minutes

12/5/14 – draft minutes with revisions by Brown regarding the deliberation of 290 Lowell Street & Wilson's overall support for the project. Oltman made a motion to approve the minutes of 1/8/15 as revised by Brown. Wilson seconded the motion & the Board voted unanimously (6-0) to approve the minutes.

1/8/15 – draft minutes with revisions by Brown regarding a 4200 sq. ft. footprint for the proposed house at 191 Holt Rd. and Wilson's correction of the owner's name at 5 Lancaster Place. Bargnesi made a motion to approve the minutes as amended. Wilson seconded the motion & the Board voted (6-0) to approve the minutes.

McDonough arrived at 6:38 pm.

Petition No.: Z-15-5

Premises affected: 55 Harold Parker Road

Petitioner: Vicka Corey

Relief requested: special permits 4.2.3 to allow a structure with a greater floor area than the principle structure & 3.1.3.F.6.b to allow the commercial use of the property for riding lessons & horse boarding

Present were: Brown (Chair); Magenheim (Clerk); McDonough & Bargnesi (Members); Oltman (for Boness);

Alternates: Wilson & Bordonaro (Associate Members).

[Rechisky arrived]

Project engineers Bernie Paquin & Andrew Pogasic from Dana F. Perkins, Inc. were present along with Attorney Brian Vaughan of Smolack & Vaughan, and applicant Vicka Corey. The property is located in the SRC district with an existing house built in the 1980's. The lot has an irregular hammerhead shape with insufficient frontage. The proposal is to erect an 8,760 sq. ft. structure to be used for horse training and riding. The structure is made of fabric over a steel frame and measures 120'x73'. In addition to the training structure, Ms. Corey will erect four 8'x12' structures to shelter the horses. Conservation Commission has reviewed the application & issued an Order of Conditions. Ms. Corey will file for an insignificant change with Conservation since the location of the fabric structure has moved further away from the wetlands in order to comply with zoning setbacks. Paquin confirmed that the 1-13-15 plan is the most current revision. Paquin reviewed the project: an infiltration trench will be installed around the entire fabric structure; water will be recharged into the ground. A Site Plan Approval from the Planning Board is scheduled for 2/10/15.

On 2/3/15 an IDR was held with Town staff. Fire Prevention asked for a sufficient turn-around to accommodate emergency vehicles. This change will be made and the plan revised. The Board discussed with Ms. Corey the unheated training structure, its useful life (15 yrs), fencing, and the commercial nature of the proposed use (charging for riding lessons & boarding). It was noted that the structure does not have a foundation; there will be a maximum of four horses allowed, and the lack of lot frontage. Bargnesi informed the Board that in Decision No. 1639 (3/2/1984), the ZBA denied the requested variance to subdivide. Vaughan pointed out that the statute of limitations has expired on the construction of the house & that the criteria for a special permit have been met. The Board discussed possible time limits on the special permit & granting the special permit to specifically named parties. Ms. Corey informed the Board that the owner would be her family's trust foundation, The Minute Foundation.

Pat Keck, of 52 Harold Parker Road, expressed concerns about possible flooding of the property due to its proximity to the Skug River, noting that the abutter's field where their alpaca graze does flood and water may flow onto 55 Harold Parker Road. Mr. Paquin stated that the drainage mitigation reroutes the flow.

There being no other questions or comments from the public or the Board, Magenheim made a motion to waive the site view and close the public hearing. Wilson seconded the motion & the Board voted unanimously to waive the view & close the hearing. Brown designated McDonough, Bargnesi, Oltman, Magenheim, and himself to sit for the deliberation.

The Board then proceeded to deliberate. The general sense of the Board is that the proposed use fits the neighborhood & would not be detrimental. Brown suggested that the Board make the appropriate findings for both special permits to allow the riding structure to exceed the floor area of the house and to allow the commercial use of the property for riding lessons and horse boarding for a period of 15 years with a maximum of four (4) horses at any given time. The special permits are granted to the applicant or her family's foundation, the construction shall be in conformance with the plans submitted, and require the rink to be removed upon sale of the property or if the use has been abandoned for two or more years. Magenheim made a motion to grant the special permits under Art. VIII, §4.2.3 & 3.1.3.F.6.b with the aforementioned conditions & findings. Bargnesi seconded the motion & the Board voted (5-0) to grant the special permits with conditions. Brown will write the decision.

Discussion Items

1. Revision of Board Procedures:

- last revision was in 1981
- need to align with current practices & Open Meeting Law
- remove inaccuracies & conflicting information
- revise clerk's duties, or change to Vice Chair
- Section 4 is outdated

- Look at other towns' procedures on line
- Publish Andover ZBA's procedures on line
- 2. Proposed revisions to Section 7.9 of Article VIII Zoning Bylaw:
 - a. to clarify the wording
 - b. formalize the role of Preservation Commission in the process
 - c. to provide guidance in the public hearing process.
 - d. Draft provides for reduced area & lot frontage for one "new lot," a change from the current by-law as understood by the ZBA.

There being no other business of the Board, Wilson made a motion to adjourn the meeting. Magenheim seconded the motion & the Board voted unanimously to adjourn the meeting at 8:13 p.m.